REMARKS

This application has been reviewed in light of the final Office Action mailed on March 17, 2009. Claims 1, 4, 7-15, 18, 21-29, 32, and 35-42 are pending in the application with Claims 1, 15, and 29 being in independent form. By the present amendment, Claims 1, 4, 15, 18, 29 and 32 have been amended and Claims 2, 3, 5, 6, 16, 17, 19, 20, 30, 31, 33, and 34 have been cancelled. No new matter or issues are believed to be introduced by the amendments.

The Examiner objected to the specification in form PTOL-326 (Office Action Summary). However, there is no specific objection to the specification in the Office Action. Applicants respectfully request that the objection to the specification be withdrawn or Applicants be provided with a specific objection to the specification.

The Examiner objected to the drawings. In order to expedite the prosecution of the present application, Applicants have replaced Figures 1 and 2 with the attached replacement sheets labeling these figures with the legend "prior art." Applicants therefore respectfully request that the objection to the drawings be withdrawn.

Claims 1-42 were rejected under 35 U.S.C. §112, first paragraph. Independent Claims 1, 15 and 29 have been amended in a manner which is believed to overcome the rejection. However, Applicants respectfully submit that the previously added limitations to the independent claims are not new matter, since the specification discusses communication schemes, such as IS-95, CDMA, GSM, and TD-SCDMA. These communication schemes transmit information according to one or more time-dependent or time-specific parameters. Nonetheless, due to the amendments to independent Claims 1, 15 and 29, withdrawal of the rejection is respectfully requested.

Claims 1, 7-9, 11-13, 14-15, 21-23, 25-27, 28, 29, 35-37, and 39-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky et al. (U.S. Application No. 2003/0050070) in view of Liang (U.S. Application No. 2004/0204105).[1]

Claim 1, as amended herein, recites, *inter alia*, as follows:

> "...allocating the radio RF resources shared by said different communications schemes according to a selection selected from the group consisting of (a) **a statistical configuration configured to selectively monitor** a number of requests for accessing each of said different wireless communication schemes for calculating **a traffic ratio in either (i) a whole interval or (ii) a sub-interval of said whole interval, and (b) a type of wireless communication scheme**." (emphasis added)

The applied combination of Mashinsky and Liang fails to disclose or suggest "...schemes according to a selection selected from the group consisting of (a) a statistical configuration configured to process a number of requests for accessing each of said different wireless communication schemes for calculating a traffic ratio in either (i) a whole interval or (ii) a sub-interval of said whole interval, and (b) a type of wireless communication scheme," as recited in amended independent Claim 1.

As best understood, Mashinsky relates to dynamic spectrum allocation and management in a wireless telephone/data system (page 1, paragraph [0002]). Also, Mashinsky maximizes the allocations of a device by using existing in-band control channels or out-of-band control channels for detecting a signal sent by all providers in an area and for storing pertinent information for later use in an internal or external database. This information is used to select which network to access for the service. (Page 2, paragraph [0020]) Therefore, in Mashinsky, dynamic account allocation is achieved by pooling together spectrum and network availability, as well as

[1] Paragraph 5 of the Office Action states "are rejected under 35 U.S.C. 102(e)." It is Applicants' understanding that the Examiner has withdrawn this rejection in lieu of the rejection under 35 U.S.C. Section 103(a).

congestion information, from different service providers in a central database and by the purchase of wholesale volume of network capacity or accounts with predetermined monthly usage (Abstract). The purchased network capacity is dynamically allocated to devices of different origin/ownership and the central system operator administrates the rebilling and reconciliation of any fractional usage to each device (Abstract).

As best understood Liang relates to a multiple distributed antenna access point (MDA/AP) system which compensates for wireless path loss and increases data throughput between AP and mobile user stations and which includes a central unit including one or more central antennas, a distributed antenna unit including multiple distributed antennas and an auxiliary unit interfacing the central unit with the distributed antenna unit, with each unit being separate or the central and auxiliary units being integrated (Abstract).

The allocation performed in the present disclosure focuses on allocation of resources within a wireless communications network. However, in the present disclosure, in contrast to Mashinsky and Liang, allocation is achieved by a different means. In particular, allocation is achieved by a resource allocator 80 that dynamically allocates RF resources shared by TSM and/or TD-SCDMA wireless communication schemes, according to the number of the requests for accessing each of the different wireless communication schemes recorded by the memory in a statistical configuration method or according to the types of the wireless communication schemes detected by status detector 90 (page 2, paragraph [0031]).

Additionally, in the present disclosure, in a first embodiment, allocator 80 uses the number of the requests for accessing each TSM and/or TD-SCDMA wireless communication schemes within the whole interval to calculate a traffic ratio (page 3, paragraph [0038]). In a second embodiment, instead of using the number of the requests within the whole interval, only

the number of requests from a sub-interval of said whole interval, e.g., the rush hour of the interval, is used to calculate the ratio R.

Accordingly, the combination of Mashinsky and Liang does not disclose all the features recited by independent Claim 1. Therefore, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 1 and allowance thereof is respectfully requested.

Independent Claims 15 and 29 include similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 15 and 29 and allowance thereof is respectfully requested.

Dependent Claims 7-9, 11-13, 14, 21-23, 25-27, 28, 35-37, and 39-42, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 1, 15, and 29. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 7-9, 11-13, 14, 21-23, 25-27, 28, 35-37, and 39-42, and allowance thereof are respectfully requested.

Claims 2-6, 16-20, and 30-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky in view of Liang, and further in view of Strich (U.S. Application No. 2002/0054580).

Claims 2, 3, 5, 6, 16, 17, 19, 20, 30, 31, 33, and 34 have been cancelled. Remaining dependent Claims 4, 18, and 32, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 1, 15, and 29. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 4, 18, and 32, and allowance thereof are respectfully requested.

Moreover, for the sake of completeness, Strich does not teach the additional feature(s) of the amended independent Claims. The Examiner relied on Strich to teach or suggest "communication resource allocation based on statistics," (page 8, paragraph 5 of the present final Office Action). However, the Claims of the present disclosure rely on different statistics than those relied upon by Strich. Specifically, at paragraph [0047] of Strich, Strich discloses statistics relating to channel usage. In contrast, the Claims of the present disclosure relate to statistics related to actual accessing requests, not just general usage of one or more channels. In other words, **only a select category of specific data/information is monitored**, not all the data/information that relates to a channel, as in Strich. Thus, Strich does not teach and/or suggest resource allocation based on accessing requests, as recited in the amended independent Claims.

Claims 10, 24, and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky in view of Liang and further in view of allegedly well-known prior art. Dependent Claims 10, 24, and 38 are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. The alleged well-known prior art does not teach the newly added limitations to Applicants' independent Claims 1, 15 and 29 and therefore does not address the deficiencies of Mashinsky and Liang.

Specifically, dependent Claim 10 recites "step (b2) and (b3) are executed in following condition: subscribers which carry out cell handover send said handover requests for accessing said different wireless communication schemes." Applicants respectfully request that the Examiner refer to specific prior art that addresses the limitations of dependent Claim 10 in conjunction with the base claim and any intervening claims, as well as the similar limitations recited by dependent Claims 24 and 38. Notwithstanding the Examiner's remarks with respect to alleged well-known prior art, the withdrawal of the rejection under 35 U.S.C. §103(a) with

respect to dependent Claims 10, 24, and 38, and allowance thereof is respectfully requested due to at least their dependence from independent Claims 1, 15 and 29.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1, 4, 7-15, 18, 21-29, 32, and 35-42, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

Kevin C. Ecker, Esq.
Registration No. 43,600

Date: May 13, 2009

By: George Likourezos
Reg. No. 40,067
Attorney for Applicants
631-501-5706

Mail all correspondence to:
Kevin C. Ecker, Esq.
Senior IP Counsel
Philips Electronics North America Corp.
P.O. Box 3001
Briarcliff Manor, New York 10510-8001
Phone: (914) 333-9618